

Date Code: AP.PRE.REQ

PTO/SB/33 (07/05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ITL1082US (P18346)	
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		First Named Inventor Michael K. Eschmann	
		Art Unit 2186	Examiner Paul W. Schlie

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.


This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
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- ☒ attorney or agent of record.
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Signature
Timothy N. Trop
Typed or printed name
(713) 468-8880
Telephone number
December 22, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Michael K. Eschmann et al.	§	Art Unit:	2186
Serial No.:	10/751,258	§	Examiner:	Paul W. Schlie
Filed:	December 31, 2003	§	Docket:	ITL.1082US P18346
For:	Coalescing Disk Write Back Requests	§	Assignee:	Intel Corporation

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**STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Pre-appeal review is requested because the advisory action and the final rejection assert that coalesced writes are known, but ignore the fact that the claim covers coalescing non-sequential writes which is not known and is not cited in any of the art of record.

The suggestion that somehow the coalescing of non-sequential writes is inherent is not correct since to be inherent it must necessarily occur. Obviously, it is much easier to coalesce or combine two sequential writes than to figure how to combine two writes that are non-sequential. There is no reason to believe that references, that never say they do this, actually somehow figure out how to do it and simply do not mention the same.

The final rejection concedes that "However, as it may be argued that Mason, Jr. does not expressly teach that such previously non-sequential cache writes may be written back as a single 'larger' write operation not otherwise inherently composed of potentially multiple disk writes,

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Cynthia L. Hayden
Cynthia L. Hayden


Mandal is cited." This amounts to a concession that Mason is not relevant to the claimed invention.

Mandal coalesces burst-type writes wherein the information written is consecutive and, therefore, can be easily found and coalesced. Random or non-burst writes are not coalesced in Mandal and, instead, the reference explicitly states that "sustained random throughput is ultimately limited by the underlying disk speed." Mandal at paragraph 71. In other words, in the case of random or non-burst writes, no improvement was possible with the cited reference and, therefore, speed was reduced. With the claimed invention, non-burst writes are coalesced, providing significant improvement. Thus, the requirement that the writes be non-sequential preclude the application of the Mandal reference.

Therefore, reconsideration is requested.

Respectfully submitted,

Date: December 22, 2006



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